

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 ) MUR 5541  
The November Fund and Bill Sittmann, )  
Treasurer, U.S. Chamber of Commerce; )  
Tom Donohue; Bush-Cheney '04; Ken )  
Mehlman )

**CERTIFICATION**

I, Darlene Harria, recording secretary for the Federal Election Commission  
executive session on March 08, 2005, do hereby certify that the Commission decided  
by a vote of 4-2 to take the following actions in MUR 5541:

1. Find reason to believe The November Fund and its treasurer, Bill Sittmann, violated 2 U.S.C. §§ 433, 434, 441a(f), and 441b(a), by failing to register and report as a political committee with the Commission; by knowingly accepting contributions in excess of \$5,000; and by knowingly accepting corporate contributions.
2. Find reason to believe the U.S. Chamber of Commerce and Tom Donohue violated 2 U.S.C. § 441b(a) by making corporate contributions to a political committee to influence an election.
3. Find no reason to believe The November Fund and its treasurer, Bill Sittmann, violated 2 U.S.C. § 434(f) by making and failing to report electioneering communications.
4. Find no reason to believe The November Fund violated 2 U.S.C. §§ 441a and 434 by making and failing to report excessive contributions in the form of coordinated expenditures, to Bush-Cheney '04, Inc.
5. Find no reason to believe that Bush-Cheney '04, Inc. or Ken Mehlman violated 2 U.S.C. §§ 441a(f) and 434 by accepting and failing to report excessive and prohibited in-kind contributions from The November Fund.

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6. Approve the factual and legal analyses, as recommended in the General Counsel's Report dated February 16, 2005.
7. Authorize the use of compulsory process against all respondents and witnesses in this matter, including the issuance of appropriate interrogatories, document subpoenas, and deposition subpoenas, as necessary.
8. Approve the appropriate letters.

Commissioners McDonald, Thomas, Toner, and Weintraub voted affirmatively for the decision. Commissioners Mason and Smith dissented.

Attest:

March 9, 2005  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

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